

June 2, 2004 BZA



REQUEST ANALYSIS
AND
RECOMMENDATION

04AN0262

Dale E. Turner

Matoaca Magisterial District
9720 Spring Run Road

REQUEST: A seventy-one (71) foot Variance to the 100 foot front yard setback requirement for an existing dwelling and proposed addition.

RECOMMENDATION

Recommend approval of this Variance for the following reasons:

- A. Variance will not impair the character of this residential area.
- B. Variance will not reduce or impair the value of the buildings or property in the surrounding area.

CONDITION

This Variance shall be for the existing dwelling and proposed addition as depicted on the plat attached to staff's report.

GENERAL INFORMATION

Location:

Property is located at 9720 Spring Run Road. Tax ID 742-662-4261 (Sheet 24).

Existing Zoning:

A

Size:

2 acres

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - A; Residential and vacant
South - A and R-15; Residential
East - A; Residential
West - A and R-15; Residential and vacant

Utilities:

Private well and septic system

Transportation:

The Thoroughfare Plan identifies Spring Run Road as a major arterial with a recommended right of way width of ninety-five (95) feet. Setbacks should be measured from a location that is forty-five (45) feet from the centerline of Spring Run Road.

General Plan:

(Southern and Western Area Plan)

Neighborhood mixed use center

DISCUSSION

The applicant is proposing to construct an addition to the north side of the existing dwelling. The addition will be located twenty-nine (29) feet from the ultimate right of way. The Zoning Ordinance requires a 100 foot front yard setback from the ultimate right of way. Therefore, the applicant requests a seventy-one (71) foot Variance.

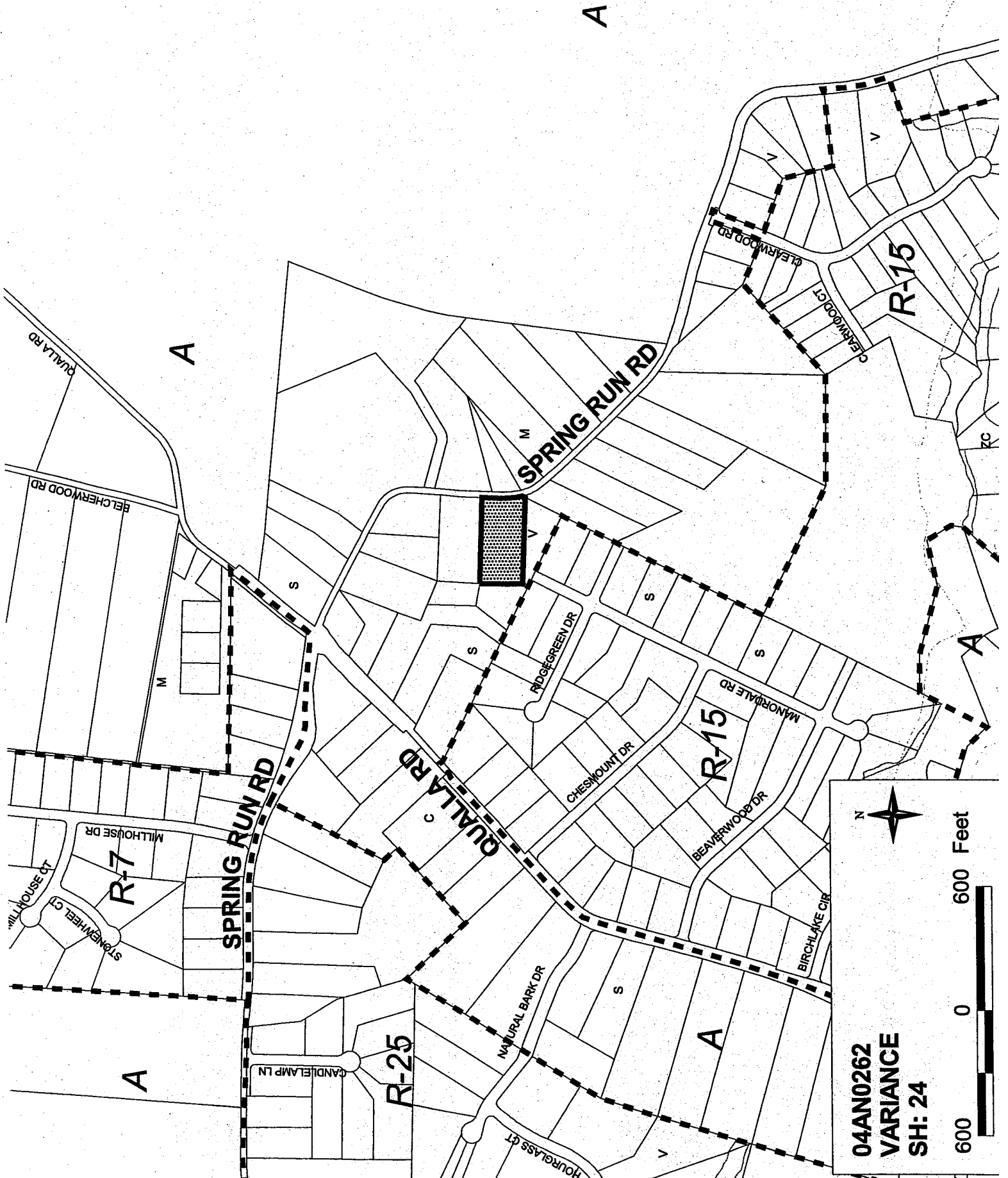
The applicant provides the following justification in support of this request:

I would like to construct an addition onto the existing house. I cannot build the addition unless the Variance is granted. My parents are elderly and the house is old and I'm updating the house to provide better care for my parents. I will be living there to take care of them.

Staff notes the existing dwelling has been on site for approximately thirty-eight (38) years and enjoys a non-conformity to the current setbacks required in today's Zoning Ordinance. Adding an addition

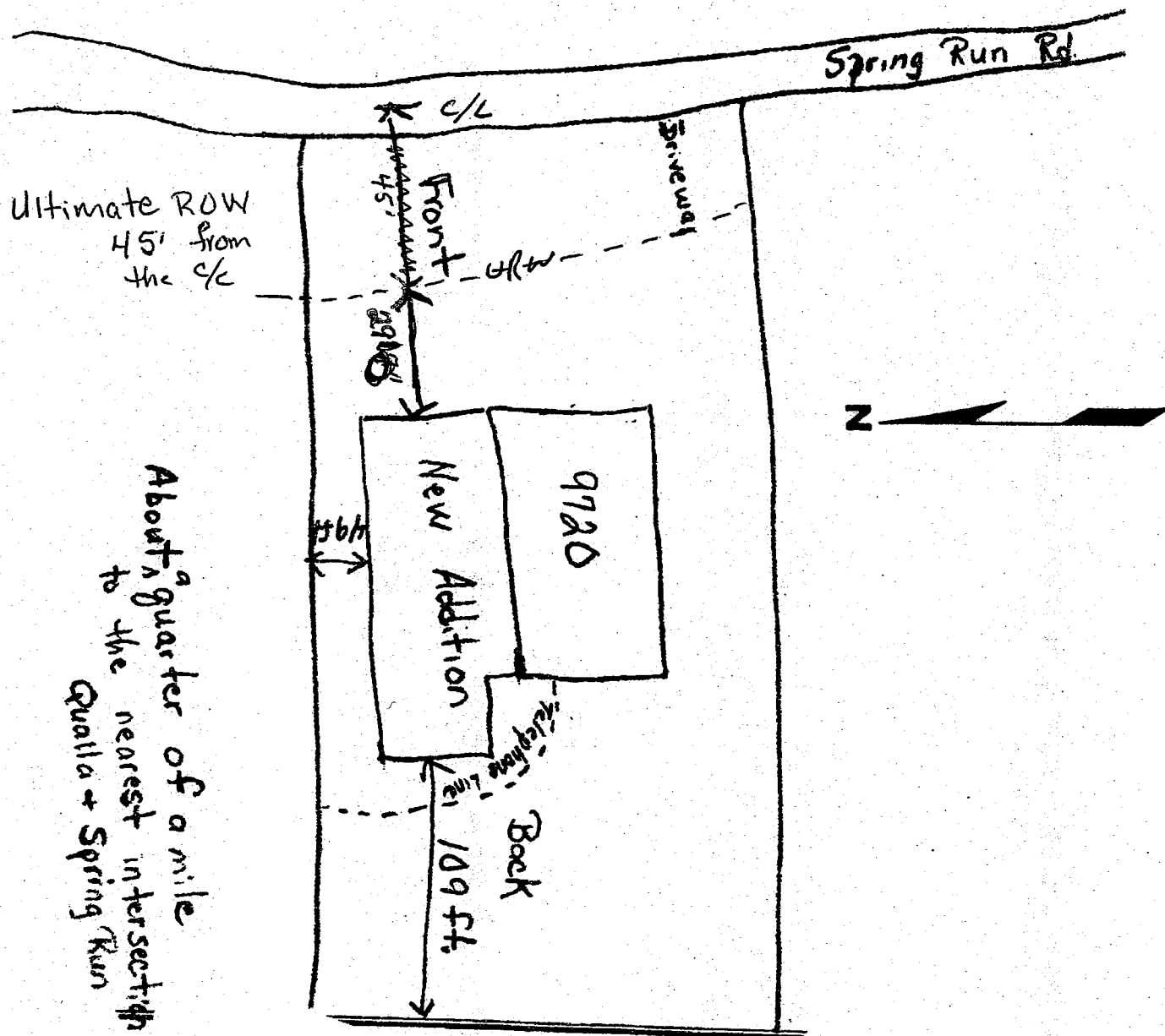
constitutes an enlargement of a non-conforming use. When a non-conforming use is enlarged it loses its non-conformity. Therefore, in order to add the addition as requested, this Variance is necessary.

Staff has reviewed the attached site plan and application. Staff believes that this Variance will not reduce or impair the value of the dwellings or property in the area. Staff also notes the dwelling has been on the site for approximately thirty-eight (38) years and has not impaired the character of this residential area. Staff believes this proposal will be an enhancement rather than a detriment to the property and area in general. Therefore, staff recommends approval of this request subject to the aforementioned condition.



04AN0262
VARIANCE
SH: 24





04AN0262-1